STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

███████████

DECISION
Case #: MPA - 174593

PRELIMINARY RECITALS

Pursuant to a petition filed on May 20, 2016, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Health Care Access and Accountability regarding Medical Assistance (MA). The hearing was held on June 21, 2016, by telephone.

There is no issue for resolution by the Division of Hearings and Appeals at this time.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

███████████

Respondent:
Department of Health Services
1 West Wilson Street, Room 651
Madison, WI 53703
By: ███████████, RN
Division of Health Care Access and Accountability
PO Box 309
Madison, WI 53701-0309

ADMINISTRATIVE LAW JUDGE:
David D. Fleming
Division of Hearings and Appeals

Petitioner's mother filed this appeal seeking an additional 3 hours per day of personal care services for her daughter. A prior authorization request for 5 hours per day of personal care worker (PCW) services for Petitioner was filed with the Wisconsin Medicaid program on March 16, 2016. That request was approved. The Division of Hearings and Appeals authority is limited to denials, discontinuances and modifications of services; it cannot add PCW hours. Rather, Petitioner and her family may certainly discuss the cares assessment with the provider. Further Petitioner and her family may wish to explore other programs. The place to start for information as to those services is:

Disability Resource Center (DRC) of Milwaukee County
Phone: (414) 289-6660
TTY/TDD/Relay: 711
Email: InfoMilwDRC@milwcnty.com

Office Location:
1220 W. Vliet Street, Suite 300
Milwaukee, WI 53205

The provider will not receive a copy of this Decision. Petitioner may provide a copy of this Decision to the provider.

CONCLUSIONS OF LAW

That there is no issue presented here which the Division of Hearings and Appeals has authority to decide.

THEREFORE, it is <u>**ORDERED**</u>

That this appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision.** Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.
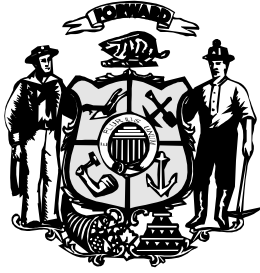
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee, Wisconsin, this 2nd day of August, 2016

\s_____
David D. Fleming
Administrative Law Judge
Division of Hearings and Appeals

State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
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Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: http://dha.state.wi.us

The preceding decision was sent to the following parties on August 2, 2016.

Division of Health Care Access and Accountability